(34)

HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILASPUR

Writ Petition No.2922 of 2003

PETITIONER: Sant Khushram Jaiswal, S/o Hiralal,
Aged about 52 years,
R/o Village: Kaitha,
P.S. Jaijaipur, Tehsil: Jaijaipur,
Distt. Janjgir (C.G.)

Versus

RESPONDENTS:

1. State of Chhattisgarh,
Through: The Secretary,
Revenue Department,
D.K.S. Bhawan,
Raipur (C.G.)

2. The Tehsildar, Jaijaipur,
Distt. Janjgir (C.G.)

3. Officer-in-charge of Police
Station: Jaijaipur,
Distt. Janjgir (C.G.)

4. Sarpanch,
Village Panchayat: Kaitha,
Tehsil: Jaijaipur,
Distt. Janjgir (C.G.)

POST FOR ORDERS ON *22ND SEPTEMBER, 2003*

Sd/-
L.C. Bhadoo
Judge

20.09.2003

(35)

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Tehsil: Jaijaipur,
Distt. Janjgir (C.G.)

Present: -

Mr. Shailesh Ahuja, Advocate: For the petitioner

Mr. Praveen Das, Panel Lawyer: For the State/respondents

Before: Hon'ble Shri Justice L.C. Bhadoo

O R D E R

(Passed on 22nd September, 2003)

1. The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India, for directing respondent No.3 to take appropriate legal action against respondent No.4 and they be restrained from implicating the petitioner in a false and frivolous case.

2. The case of the petitioner is that he is resident of Village: Kaitha and he is in possession of Government land bearing Khasra No.2/1 Rakba 2.30 decimal since last 15 years and the petitioner has constructed a hut and also planted and developed fruit trees and had also grown a vegetable garden on this land. He had also dug a well on the land and he is drawing water from that well for the

purpose of irrigation of trees and vegetable garden. However, respondent No.4 became angry of this and got constructed a road on this land and started creating obstructions in the peaceful enjoyment of the land in question by the petitioner. Accordingly, the petitioner made a complaint to the Chief Minister and the villagers also made a complaint to the Chief Minister and that was sent to the Collector. The petitioner has also made a complaint to the Officer-in-Charge Police Station: Jaijaipur, in which he has stated that respondent No.4 and others have outraged the modesty his wife Smt. Phool Bai and they have dismantled his hut, abused and misbehaved with him. The report was lodged on 31st May, 2001, but the respondents are not taking any action. Respondent No.4 is continuously harassing the petitioner. The petitioner submitted a representation to the Inspector General of Police, Bilaspur. Thereafter, respondent No.4 started threatening the petitioner because the petitioner has made the complaint against him and he is terrorizing the petitioner. The petitioner also made a complaint to the Human Rights Commission, Raipur.

3. I have heard the learned counsel for the parties.

4. The petitioner has not been able to make out a case before this Court to exercise the extraordinary jurisdiction in the matter. It cannot be said that there is no other alternative and efficacious remedy available with the petitioner. If the Police is not acting upon the complaint filed by the petitioner, then he is within his right to approach the concerned criminal Court and file a complaint under the Criminal Procedure Code. Therefore, it cannot be said that the petitioner has no any equally efficacious remedy with him to pursue his grievances. In the writ jurisdiction, such direction as prayed by the petitioner cannot be granted, because the allegations leveled by the petitioner require thorough investigation and enquiry by the Police about their veracity or otherwise. If the Police is not instituting any case, then the petitioner can file a complaint before the competent Court.

5. In view of the above, the writ petition is liable to be dismissed and the same is dismissed.

Sd/-
L.C. Bhadoo
Judge